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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,304	09/16/2003	Kunihiko Nishibe	2003_1145A	1774
513 7590 06/12/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER SCHAFER, JONATHAN C	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 06/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/662,304

**Applicant(s)**

NISHIBE ET AL.

**Examiner**

Jonathan C. Schaffer

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The claim states "the image processing unit displays images by turning them at required angle"; it is unclear what the Applicant means by this. The Examiner can only assume that the Applicant intended write "turning them at the required angle" which lacks antecedent basis since no mention has been made of any angle prior to this claim. Further more the Examiner is unsure as to what the Applicant means by "the standard coordinates of a sound person". Until further clarification the Examiner will be interpreting claim 6 as displaying the rotation images of the legs for analysis.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Sol (U.S. Patent Number 6,231,527).
6. Regarding Claim 1, Sol discloses an image fetching unit in the form of a video recorder (col. 2, l. 62-63), an image processing unit (col. 3, l. 16-17) which discriminates the left and right legs and calculates floor contact positions as well as calculating chronological changes of each leg (col. 4, l. 3-19 & col. 4, l. 32-37 & col. 6, l. 12-13 & col. 6, l. 44-46 & col. 7, l. 64-67 & col. 8, 1-19), a display unit (Figure 2,

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#24) which displays the floor face contact position and the chronological changes of each leg (col. 4, l. 3-19 & col. 4, l. 32-37 & col. 6, l. 12-13 & col. 6, l. 44-46 & col. 7, l. 64-67 & col. 8, 1-19), as well as a storage unit (col. 7, l. 15-16).

7. Regarding Claim 2, Sol discloses the image processing unit processing the walker's speed (col. 6, l. 13-14), the distance between the legs from both a frontal view and a side view (col. 7, l. 63-67 & col. 8, l. 1-19), staggering (col. 8, l. 1-19), support rates of both legs (col. 7, l. 3-8), and a display unit which can display part or all of the results (col. 4, l. 1-37).

8. Regarding Claim 3, see the rejection of claims 1 and 2.

9. Regarding Claim 4, Sol discloses a display unit provided in front of the walker (Figure 2, #24).

10. Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugh (U.S. Patent Number 4,631,676).

11. Regarding Claim 1, Pugh teaches an image fetching unit (Fig. 1, #50 and #54), an image processing unit (Fig. 2), a display unit (Fig. 2, #64), a storage unit for saving the operation results (Fig. 2), discrimination of the right leg from the left (Fig. 2, 3, 5, 6), determination of the floor contact (Fig. 3, 6), a display unit that displays the face contact position of the respective legs and the chronological changes of each leg (Fig. 3, 5, 6).

12. Regarding claim 6, Pugh discloses displaying the rotation images of the legs for analysis (Fig. 3, 5, 6).

13. Regarding claim 7, Pugh teaches displaying the center locus for the respective position of each leg (Fig. 3, 5, 6).

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented

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and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sol.
16. Regarding Claim 5, Sol discloses substantially the claimed invention as set forth in the discussion above for claim 1.
17. Sol does not disclose expressly accumulating the right step on one coordinate axis and the left step on the other axis.
18. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to accumulating the right step on one coordinate axis and the left step on the other axis. Applicant has not disclosed that accumulating the right step on one coordinate axis and the left step on the other axis provides an advantage, is used for a particular purpose or solves a stated problem that Sol doesn't. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the data accumulation method of Sol or the claimed accumulating the right step one coordinate axis and the left step on the other axis because they both convey the data to the user of the system equally well, furthermore once the data is acquired it can be mathematically manipulated in any way seen fit by the user which includes graphing the data on opposing axes on a 2D graph.
19. Therefore, it would have been obvious to one of ordinary skill in this art to modify Sol to obtain the invention as specified in claim 5.

### ***Conclusion***

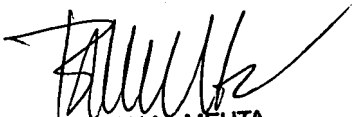
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan C. Schaffer whose telephone number is (571)272-0603. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571)272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

  
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